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| 10/706,173  | 11/12/2003  | Amit Shachak         | 1005-04-01 USP      | 6121             |
| 43698 7590 09/23/2010<br>CENTURY IP GROUP, INC. [Main]<br>P.O. BOX 7333<br>NEWPORT BEACH, CA 92658-7333 |             |                      |                     |                  |
| EXAMINER<br>FIGUEROA, MARISOL   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2617  |             |                      |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@i-p-law.us  
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### Office Action Summary

**Application No.**

10/706,173

**Applicant(s)**

SHACHAK, AMIT

**Examiner**

MARISOL FIGUEROA

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7, 8, 11-13, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 11-13, and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 07/08/2010 have been fully considered but they are not persuasive.

The Applicant argues:

"The Examiner has cited Marui as describing a user modifying configuration data and Van Reenen as determining when a user has modified data and transmitting the modified data to a server. The Examiner stated that it would be obvious to modify Mauri to include transmitting data that has been modified by a user to a server system for storing and updating ... since such a modification would allow the mobile device to store a copy of its stored data remotely in order to facilitate restoring the memory of the mobile device in case of damage, theft or displacement.

Applicant respectfully disagrees.

It is noted that the Examiner stated, on page 3, line 16 of the office action, that Van Reenen relates to "configuration data", but applicant could not find the word "configuration" in an electronic search through Van Reenen and could not find the term configuration or any equivalent term in any of the passages related to by the Examiner (abstract, paragraphs 2-10, 21). Applicant respectfully submits that Van Reenen teaches the complete opposite. In paragraph [0020] Van Reenen states:

"Data that is backed up may be the names and telephone numbers stored in the telephone device, calendar data, addresses, files, notes, tasks, graphics, and the like."

This is totally different from configuration data.

Thus, neither of Marui or Van Reenen teach or suggest identifying changes in configuration data and backup the configuration data at a server. It would not be obvious to modify the cited art to encompass backup of configuration data. The rationale provided by the Examiner is that the backup suggested by Van Reenen would facilitate restoring the memory of the mobile device in case of damage, theft or displacement. Applicant respectfully submits, however, that if the mobile device is damaged, stolen or displaced the configuration data of the mobile device (referring specifically to the classes of parameters mentioned in claim 1) would not usually be needed by the user as the user would generally get a new mobile device which would be configured with its configuration parameters" (see pages 6-7 of Applicant's arguments).

The Examiner respectfully disagrees. Although Van Reenen does not expressly disclose "configuration data", Van Reenen teaches detecting changes in data which is usually stored in a memory of the mobile telephone as is "configuration data, thus the data discussed by Van Reenen can not be distinguished or is similar to "configuration data". Furthermore, one of

ordinary skill in the art would have been motivated by the teachings of Van Reenen to send changes to data stored in the mobile telephone (e.g., configuration data) to a server, since it would allow a user to make use of the previously stored phone configuration in the server to configure its new phone with the user preferred configuration or restore the memory of the damaged phone.

#### ***Election/Restrictions***

2. Newly submitted claim 26 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 26 is directed to providing assistance to mobile devices and claim 1 is directed to updating database records in a mobile communication network.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 26 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3, 11, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI (US 5,471,643) in view of VAN REENEN et al. (US 2005/0107122).

**Regarding claim 1**, Marui discloses a method of updating database records in a mobile communication network, the method comprising:

modifying by a user configuration data stored in a memory of a mobile device by entering one or more values by the user through interaction with one or more configuration means of a user interface of the mobile device (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the SID and MID numbers (i.e., configuration data) stored in the memory of the mobile telephone by entering a series of input commands through the keypad (i.e., user interface));

wherein the configuration data comprises at least one of an access point name (APN), a web gateway Internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID) and communication environment dependent information (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the system identification numbers SID).

But, Marui does not particularly disclose determining when the user has modified the configuration data in the mobile device by comparing the entered values with the configuration data; and transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user.

However, Van Reenen discloses a method for determining when a user has modified data stored in the mobile device and transmitting the modified data to a server for updating respective records of a database via a communication network, in response to determining that the configuration data has been modified to the user (abstract; paragraphs 2-10, 21; an application software identifies changes (i.e., modifications) that have been made to the data stored in the

telephone device and transmits the changes to a back up facility (i.e., server) via the telecommunication network, these changes are stored in the storage means (i.e., database) of the backup facility; note that is inherent that changes are determining through a comparison step). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Marui to include transmitting data that has been modified by the user to a server system for storing and updating respective records of a database in the mobile communications network, as suggested by Van Reenen, since such a modification would allow the mobile device to store a copy of its stored data remotely in order to facilitate restoring the memory of the mobile device in case of damage, theft or displacement of the mobile device.

**Regarding claim 3**, the combination of Marui and Van Reenen disclose the method of claim 1, in addition Van Reenen discloses further comprising transmitting the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraph 30; the data is transmitted to the back up facility at regular intervals). Therefore, it would have been obvious to a person having ordinary skill in the at the time of the invention, to modify Marui to include transmitting the stored data to the server system within a predetermined time period, when it is determined that the data is modified in the mobile device, as suggested by Van Reenen, since such a modification would allow the transmission of updated data at regular intervals.

**Regarding claim 11**, Marui discloses a system of updating database records in a mobile communication network, the system comprising:

modifying by a user configuration data stored in a memory of a mobile device by entering one or more values by the user through interaction with one or more configuration

means of a user interface of the mobile device (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the SID and MID numbers (i.e., configuration data) stored in the memory of the mobile telephone by entering a series of input commands through the keypad (i.e., user interface));

wherein the configuration data comprises at least one of an access point name (APN), a web gateway Internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID) and communication environment dependent information (Fig. 4; abstract; col. 7, lines 15-57; the user modifies the system identification numbers SID).

But, Marui does not particularly disclose a comparator for determining when a user has modified configuration data stored in a memory of a mobile device by comparing one or more values entered by the user with the configuration data, and a transmitter for transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user.

However, Van Reenen discloses a system comprising a comparator for determining when a user has modified data stored in a memory of a mobile device by comparing one or more values entered by the user with the stored data, and a transmitter for transmitting the data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the data has been modified by the user (abstract; paragraphs 2-10, 21; an application software identifies changes (i.e., modifications) that have been made to the data stored in the telephone device and transmits the changes to a back up facility (i.e., server) via the telecommunication network, these changes are stored in the storage

means (i.e., database) of the backup facility; note that a comparator is inherent given that changes are detected and conventionally changes are detected via a comparison step). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Marui to include a comparator for determining when a user has modified data stored in a memory of a mobile device by comparing one or more values entered by the user with the stored data, and a transmitter for transmitting the data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the data has been modified by the user, as suggested by Van Reenen, since such a modification would allow the mobile device to store a copy of its stored data remotely in order to facilitate restoring the memory of the mobile device in case of damage, theft or displacement of the mobile device.

**Regarding claim 13**, the combination of Marui and Van Reenen disclose the system of claim 11, in addition Van Reenen discloses wherein the transmitter transmits the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraph 30; the data is transmitted to the back up facility at regular intervals). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Marui to include the transmitter, transmitting the stored data to the server system within a predetermined time period, when it is determined that the data is modified in the mobile device, as suggested by Van Reenen, since such a modification would allow the transmission of updated data at regular intervals.

5. **Claims 2 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., and OKKONEN et al. (US 2004/0166839).



**Regarding claim 2**, the combination of Marui and Van Reenen disclose the method of claim 1, but the combination does not particularly disclose transmitting the configuration data to the server in real time. However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

**Regarding claim 12**, the combination of Marui and Van Reenen disclose the system of claim 11, but the combination does not particularly disclose transmitting the configuration data to the server in real time. However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

6. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS (US 2002/0107868), and STAAS JR (US 5,125,091).

**Regarding claim 25**, the combination of Marui and Van Reenen disclose the method of claim 1, in addition Van Reenen discloses wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph 21), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as “statements of intended use” (i.e., “such that”, “for trouble shooting purposes”; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

But, the combination does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. “RAM data”, from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but

when the data is invalid the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a server for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas teaches comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

7. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS, STAAS JR. , and BARTELS et al. (US 2003/0208704).

**Regarding claim 7**, the combination of Marui, Van Reenen, Childs, and Staas disclose the method of claim 25, but the combination does not particularly disclose further comprising: wherein the configuration data is corrected automatically by the mobile device or server system or in conjunction with a human operator, in response to determining the configuration data is outside the range of values.

However, Bartels teaches automatically correcting data if invalid (paragraphs [0014], [0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without user intervention). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of automatically correcting the configuration data when invalid, as suggested by Bartels, since such a modification would allow the system to correct the configuration data without user intervention and therefore, reduce the time it takes to correct the errors in data.

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARUI in views of VAN REENEN et al., CHILDS, STAAS JR., BARTELS et al., and ROBERTS et al. (US 2005/0073991).

**Regarding claim 8**, the combination of Marui, Van Reenen, Childs, Staas, and Bartels disclose the method of claim 1, but the combination does not particularly disclose wherein the configuration data is re-entered or restored to default or previous values. However, Roberts teaches restoring configuration data to default values (paragraph [0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of restoring configuration data to default values, as suggested by Roberts, since such a modification would allow the user to reset the mobile device to its original settings.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISOL FIGUEROA whose telephone number is (571)272-7840. The examiner can normally be reached on M-F 8:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571)272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. F./

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617

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